

CALIFORNIA COASTAL COMMISSION

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April 7, 2008

Thomas Street, Attorney Advisor
Office of General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
1305 East-West Highway
Silver Spring, MD 20910

**RE: FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY v.
CALIFORNIA COASTAL COMMISSION
RESPONSE TO APPELLANT'S OPPOSITION TO PUBLIC HEARING**

Dear Mr. Street:

This letter is to reiterate the March 21, 2008, request by California Coastal Commission (Commission) Executive Director Peter Douglas that the Department of Commerce conduct a public hearing in the above-referenced appeal and to respond to the March 28, 2008, letter by Robert Thornton, representing the Foothill/Eastern Transportation Corridor Agency (TCA).

TCA contends that a public hearing regarding its appeal is unnecessary because public hearings were conducted during earlier phases of the development and regulatory review of the proposed toll road project. None of those hearings, however, concerned the central issue in TCA's appeal: whether the Secretary of Commerce should override the Commission's objection to TCA's consistency certification regarding the project, using the Department of Commerce's appeals criteria. TCA hearings on different topics are irrelevant. The strong public interest in this project warrants holding a public hearing so that supporters and opponents of the project may express their views and provide information regarding the new legal and factual issues that this appeal raises.

Although not pertinent to the issue of whether the Department of Commerce should conduct a public hearing on this appeal, TCA casts entirely unwarranted aspersions on the Commission's conduct of the public hearing for TCA's consistency certification. Several are so ludicrous as to warrant no response. As is apparent from both the hearing transcript and webcast, the Commission provided fair and ample opportunity for supporters and opponents of the project to present their case to the Commission. Elected officials testified for over 2 hours in total. The Commission received requests to comment from hundreds of individuals and unfortunately there was not enough time in the day for all to testify. The hearing lasted over 12 hours and did not conclude until approximately 11:30pm. If anything, the fact that so many wanted to testify supports the Commission request for holding a hearing on TCA's appeal. Although both supporters and opponents of the project held aloft signs during the Commission's hearing, at no

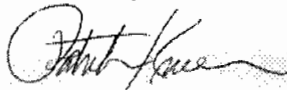
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point did the audience prevent speakers from expressing their views. I personally admonished both sides to be civil and quiet, and for the most part, I believe both sides were.

As for the location of the hearing, Commission staff worked closely with TCA in determining a mutually agreeable appropriate location for the hearing that could accommodate the projected attendance (which I note was 37 miles from the project, not 50).

The Commission therefore respectfully reiterates its request that Department of Commerce conduct a public hearing regarding TCA's appeal. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Krueger", with a stylized, flowing script.

PATRICK KRUEGER, CHAIR
California Coastal Commission

cc: U.S. Secretary of Commerce
Vice Admiral Conrad Lautenbacher, Jr., NOAA Administrator
Thomas Margro, Transportation Corridor Agency
Robert Thornton of Nossaman, Guthner, Knox & Elliott LLP
Steven Kaufman of Richards, Watson & Gershon
David Kennedy, Director, Office of Ocean and Coastal Resource Management
Jamee Patterson, Deputy Attorney General
John Saurenman, Deputy Attorney General